

Minute Order Form (06/97)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	93 CR 20024 - 3	DATE	1/9/2004
CASE TITLE	U.S.A. vs. SAMUEL K. TIDWELL		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] For the reasons stated on the reverse Memorandum Opinion and Order, the court denies the motion for relief under §3582(c)(2).

- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials /SEC	U.S. DISTRICT COURT 90:4 RD 6-WAF 1002 2004 JAN -9 PM 4:10	number of notices	Document Number 1977
			JAN 09 2004 date docketed	
			<i>[Signature]</i> docketing deputy initials	
			1-12-04 date mailed notice	
			<i>[Signature]</i> mailing deputy initials	

(Reserved for use by the Court)

MEMORANDUM OPINION AND ORDER

Samuel K. Tidwell, a federal prisoner, has filed a request for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2). The government has filed a response detailing the procedural history of Tidwell's conviction, direct appeal, habeas petitions under § 2255 and related appeals, and three prior motions by Tidwell pursuant to § 3582(c)(2). Tidwell filed a reply to the government's response. The court denies the motion for relief under § 3582(c)(2). Section 3582(c)(2) does not provide for unlimited motions for relief based on the same amendment. Amendment 505 of the sentencing guidelines was the source of Tidwell's first §3582(c)(2) motion which was denied by this court and ultimately affirmed on appeal. See United States v. Tidwell, 178 F.3d 946 (7th Cir. 1999). That amendment is relied on by Tidwell in this later motion, and the court concludes it has no statutory authority to again review Tidwell's original sentence under § 3582(c)(2). The court understands Tidwell's frustration with a life sentence and acknowledges his rehabilitative efforts while serving his sentence. Nevertheless, there is no basis in § 3582(c)(2) to again review the sentence.